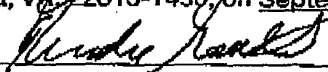


Atty's Docket:101215-51

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner For Patents, Alexandria, VA 22313-1450, on September 24, 2003.



Theodore Gottlieb

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO.	: 09/700,148
APPLICANT	: GERBLING et al.,
FILED	: 4 December 2000
EXAMINER	: J.C. Einsman
ART UNIT	: 1634
FOR	: Method for Detecting Microorganisms in Products

MAIL STOP AF  
Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA  
22313-1450

September 24, 2003

**RESPONSE PURSUANT TO 37 CFR 1.111**

Sir:

This communication is in response to the nonfinal action of 26 March 2003.

Sep-24-03

08:53am

From-Norris McLaughlin & Marcus

+212 808 0844

T-919 P.004/007 F-807

Atty's Docket:101215-51

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

**ADDITIONAL FEES**

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

**REMARKS**

Claim 12 is in the application.

Claim 12 has been rejected because Examiner believes the claims to be indefinite, and to be obvious over Boyd in view of Stratagene, Chen and others.

Claim 12 has been extensively amended to comply with each of Examiner's bases of rejection. In addition, clarifying language was added when appropriate. It is believed in good faith that claim 12 is no longer indefinite.

In addition, claim 12 has been amended to specifically recite that SEQ ID NO: 16 is labeled with derivatives of fluorescein and/or rhodamine. Neither Boyd nor Stratagene nor the references as described, have suggested a kit employing fluorescent probes as a means to detect Salmonella contamination.

In accordance, it is respectfully requested that the rejections under §§ 112 and 103 be withdrawn.

Respectfully Submitted,

Norris, McLaughlin & Marcus  
220 East 42nd Street  
New York, NY 10017  
Telephone (212) 808-0700  
Facsimile (212) 808-0844



Theodore Gottlieb, PhD  
Reg. Nr. 42,597